

REMARKS

This amendment is in response to an Office Action mailed February 10, 2005. In the Office Action, claims 1-5, 7-13, 15-18, 20-27, 29-35 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent No. 6,469,711) in view of Gonsalves (U.S. Patent No. 6,571,255). Additionally, claims 6, 19, 28 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves and Danial (U.S. Patent No. 5,940,806). Applicants respectfully traverse the rejections in their entirety.

Herein, claims 1-3, 6-11, 13, 23, 28, 38, 40 and 41 have been revised. Claims 4-5, 12, 14-22 and 39 have been cancelled without prejudice. Claims 42-51 have been newly added while claims 36-37 remain withdrawn. Reconsideration of all of the pending claims is respectfully requested.

Specification

Applicants have amended paragraphs set forth on pages 5 and 7 of the subject application to correct reference numerals inconsistent with the reference numerals set forth in the drawings. No substantive new matter has been added as a result of these amendments. Applicants respectfully request the Examiner to enter these amendments.

§103(a) Rejection - Foreman in view of Gonsalves

Claims 1-5, 7-18, 20-27, 29-35 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent No. 6,469,711) in view of Gonsalves (U.S. Patent No. 6,571,255). It is noted that in the Office Action, claim 14 was not originally listed on (see page 2), but was included in the discussion set forth on page 5 of the Office Action. Herein, independent claims 1, 23 and 38 have been revised while independent claim 14 has been cancelled without prejudice. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, at a minimum, the combined teachings of the cited references do not describe or suggest all the claim limitations.

For instance, with respect to independent claims 1 and 23, neither Foreman nor Gonsalves, alone or in combination, suggests (i) specifying (determining) from which source(s) of a plurality of sources to access the images to be displayed and (ii) accessing a plurality of presentation images with inconsistent presentation attributes from the one or more specified

sources. Hence, withdrawal of the §103(a) rejection as applied to claims 1 and 23 is respectfully requested.

In addition, it is noted that specifics for specifying the sources and accessing the plurality of presentation images of claims 42-45 and 46-48 include additional limitations that are not taught or suggested by Foreman or Gonsalves. Applicants respectfully request the Examiner to consider the allowability of these claims during examination. Claims 49-51 include a new claim set where claim 49 is based on prior claims 1 and 2 and new claim 43.

With respect to independent claims 38, neither Foreman nor Gonsalves, alone or in combination, suggests a computerized system featuring means for selecting at least one characteristic from a group consisting of a distance and a magnification. Applicant disagrees with the Examiner's contention that column 7, lines 24-26 of Foreman teaches selecting characteristics from the group consisting of distance, perspective, magnification and angle. In fact, column 7, lines 24-26 state the following:

The storyboard interface 52 enables a user to plan the motion video program to be prepared. In one aspect of the invention, storyboards or plans include filming tips and editing tips for common motion video programs.

This teaching by Foreman does not involve characteristic selection as set forth in claims 2 and 24, and clearly does not teach the selection of characteristics from a group consisting of distance and magnification as now set forth in claim 38. Hence, withdrawal of the §103(a) rejection as applied to claim 38 is respectfully requested.

The remainder claims are dependent claims and should be allowable if the corresponding independent claims are held allowable. Hence, withdrawal of the §103(a) as applied to claims 1-5, 7-18, 20-27, 29-35 and 38-40 and the allowance of claims 42-51 is respectfully requested.

§103(a) Rejection - Foreman in view of Gonsalves and Danial

Claims 6, 19, 28 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foreman in view of Gonsalves and Danial (U.S. Patent No. 5,940,806). Applicants respectfully submit that the present claims are patentable over the combination of Foreman, Gonsalves and Danial because a *prima facie* case of obviousness has not been established.

Herein, neither Foreman, Gonsalves nor Danial, alone or in any combination, suggest an operation or any executable instruction(s) that request and require receipt of compensation from a client *before the visual presentation is sent to the client, an amount of compensation varies depending on which sources of the plurality of sources are accessed to retrieve the presentation images*. Emphasis added. The amount is based on locality of the sources. In contrast, Danial teaches compensation based on final negotiated agreements, and not based on what sources from which presentation images are accessed and their locality.

Appl. No. 09/637,120
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Reply to Office Action of February 10, 2005

Hence, withdrawal of the §103(a) rejection as applied to claims 6, 28 and 41 is respectfully requested.

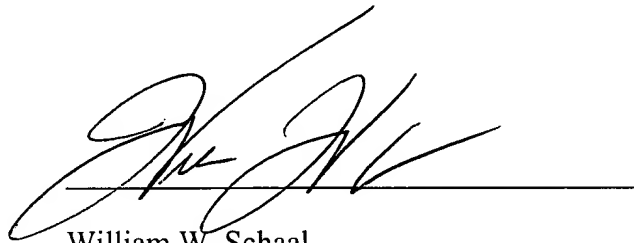
Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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Date: 6/10/2005


Susan McFarlane

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